

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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SHERIE WHITE,

NO. CIV. S-04-0620 WBS KJM

Plaintiff,

v.

ORDER RE: COSTS

GMRI, INC., dba Red Lobster,

Defendant.

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On November 21, 2005, the court entered final judgment in favor of plaintiff. Plaintiff then submitted a cost bill totaling \$729.48. Defendant does not object.

Rule 54(d)(1) of the Federal Rules of Civil Procedure and Local Rule 54-292(f) govern the taxation of costs to losing parties, subject to limits set under 28 U.S.C. § 1920. See 28 U.S.C. § 1920 (enumerating taxable costs); Fed. R. Civ. P. 54(d)(1) ("[C]osts other than attorneys' fees shall be allowed as of course to the prevailing party unless the court otherwise directs . . . ."); L.R. 54-292(f); Crawford Fitting Co. v. J.T. Gibbons, Inc., 482 U.S. 437, 441 (1987) (limiting taxable costs to those enumerated in 28 U.S.C. § 1920). The district court has

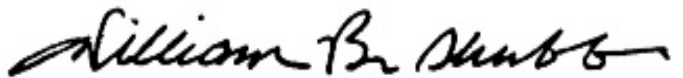
1 discretion to determine what constitutes a taxable cost within  
2 the meaning of 28 U.S.C. § 1920. Amarel v. Connell, 102 F.3d  
3 1494, 1523 (9th Cir. 1997); Alflex Corp. v. Underwriters' Lab.,  
4 Inc., 914 F.2d 175, 177 (9th Cir. 1990). The losing party has  
5 the burden of overcoming the presumption in favor of awarding  
6 costs to the prevailing party. See Russian River Watershed  
7 Protection Comm. v. City of Santa Rosa, 142 F.3d 1136, 1144 (9th  
8 Cir. 1998); Amarel, 102 F.3d at 1523.

9 After reviewing the bill, the court finds all costs to  
10 have been previously awarded by order of this court. (See Jan.  
11 20, 2006 Order.)

12 Accordingly, costs of **\$729.48** will be denied.

13 IT IS SO ORDERED.

14 DATED: February 17, 2006

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16 WILLIAM B. SHUBB  
17 UNITED STATES DISTRICT JUDGE  
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